

FILED

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

17 OCT 30 PM 1:25

CLERK U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXASBY AP
CLERK

USA LENDING GROUP, INC.,

Plaintiff,

v.

MIKE AHMARI,

Defendant.§
§
§
§
§
§
§
§
§
§

Civil Action No. 1:17-cv-00386-SS

FINAL DEFAULT JUDGMENT NUNC PRO TUNC

On September 1, 2017, the Court considered the Motion for Entry of Default Judgment (the "Motion") filed by Plaintiff USA Lending Group, Inc. ("USA Lending"). The Court, having considered the Motion and the Complaint and other papers on file in this action, determined that entry of a default judgment against Defendant Mike Ahmari is proper and entered a Final Default Judgment. USA Lending later filed a Motion to Correct Final Default Judgment seeking to correct the numerical description of the toll-free number in the judgment to reflect the Court's intent when it entered the judgment to declare USA Lending the owner of the 800-USA-LEND toll-free number obtained by Defendant when he was an agent and representative of USA Lending. The Court finds the transposition error in the judgment can be properly corrected under Fed. R. Civ. P. 60(a), and therefore GRANTS the Motion and finds that:

USA Lending filed suit against Defendant Mike Ahmari ("Ahmari") on April 27, 2017, asserting claims for breach of fiduciary duty and seeking declaratory relief with respect to the rights and interests in and to the domain name www.usalend.com and the toll-free number 800-USA-Lend (800-872-5363). USA Lending served Ahmari with Summons and a copy of the Complaint on May 1, 2017, by service on the Secretary of State of Texas pursuant to § 17.044,

✓

TEX. CIV. PRAC. & REM CODE. ANN. Despite being properly served, Ahmari failed to answer to the Complaint or otherwise appear in the case.

On June 13, 2017, USA Lending filed its Request for Entry of Default. [Dkt. #5]. On that same day, the Clerk of this Court entered a default against Mike Ahmari. [Dkt. #6]. Since June 13, 2017, Ahmari still has not made an appearance in this case or otherwise responded.

It is therefore ORDERED, ADJUDGED, AND DECREED that final judgment is entered by default, in accordance with Rule 55(b)(2) of the Federal Rules of Civil Procedure, in favor of USA Lending, and the Court DECLARES as follows:

1. Ahmari owed fiduciary duties to USA Lending due to his employment as an officer of USA Lending. Ahmari breached the fiduciary duties that he owed to USA Lending by failing to register, or by transferring into his name, the www.usalend.com domain name, and the 800-USA-LEND (800-872-5363) toll-free number, which he was tasked with obtaining as part of his duties as an officer and employee of USA Lending, and by failing to turn over the domain name and toll free number to USA Lending upon demand.


2. USA Lending is the legal owner of all right, title, and interest in and to www.usalend.com domain name and the 800-USA-LEND (800-872-5363) toll-free number, which Ahmari obtained on behalf of USA Lending while serving as an officer and employee of USA Lending, and is entitled to the conveyance of all rights, certifications, registrations, or other authorizations necessary to effectuate USA Lending ownership of the property.

It is FURTHER ORDERED, ADJUDGED, AND DECREED that Defendant Ahmari shall transfer all rights, title and interests in and to the www.usalend.com domain name and the 800-USA-LEND (800-872-5363) toll-free number to USA Lending within 10 days of the date of this Judgment.

This judgment is final, disposes of all claims and all parties, and is appealable.

The Court orders execution and all other writs and process to issue for the collection and enforcement of this judgment.

SIGNED this 30th day of October, 2017.



SAM SPARKS
UNITED STATES DISTRICT JUDGE